



Docket No.: 246770US2CIP

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

IFW

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ATTORNEYS AT LAW

RE: Application Serial No.: 10/739,351

Applicants: Toshiki TAKAHASHI, et al.

Filing Date: December 19, 2003

For: EXHAUST RING MECHANISM AND PLASMA
PROCESSING APPARATUS USING THE SAME

Group Art Unit: 1763

Examiner: Jeffrie R. LUND

SIR:

Attached hereto for filing are the following papers:

Provisional Election

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

TOSHIKI TAKAHASHI, ET AL. : EXAMINER: JEFFRIE ROBERT LUND
SERIAL NO: 10/739,351 :
FILED: DECEMBER 19, 2003 : GROUP ART UNIT: 1763
FOR: EXHAUST RING MECHANISM :
AND PLASMA PROCESSING
APPARATUS USING THE SAME

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated December 5, 2005, Applicants provisionally elect with traverse Group III, Claims 29-41 drawn to a plasma processing apparatus, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional

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effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-3, 5, 7, 9, 11-15, 17, 19 and 22-41 be conducted. Claims 4, 6, 8, 10, 16, 18, 20 and 21 were cancelled by Preliminary Amendment filed on December 19, 2003.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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